Secrt. II-27—100,000—21-6-28.

Home (195 0) Department.

MS SERIES.

G.O. No. 2504

Dated 30 5 30

[Despatch Abstract.]

Petition for mercy from condemned prisoners - Reconsideration of by State Government after the President has rejected them.

COPY of Letter No.32/29/50-Judl. ~~Govern~~ from Government of India, Ministry of Home Affairs, dated 6th March 1950.

SUB: Mercy petition from condemned prisoners - Reconsideration of - by state Government after the President has rejected them.

It has come to the notice of the Government of India that one of the State Governments recently (in commemoration of Republic Day) commuted the sentence of death in a case in which a mercy petition had previously been transmitted to the Centre and in which the Governor General had, in fact, rejected the petition. While it is open to a State Government, under section 402 of the Code of Criminal Procedure, and the Governor under article 161 of the Constitution, to commute a sentence of death at any time, the Government of India feel that it is improper for a State Government to exercise the power of a clemency, of its own volition, after a mercy petition has been rejected by the Head of the Union. The Government of India therefore consider that, in cases where a mercy petition has been rejected by the President if the State Government think that circumstances have arisen which require reconsideration of the case, the latter should refer the matter again to the Centre for the orders of the President. I am to request that this procedure may be invariably followed in future.

(TRUE COPY)

2/8.

GOVERNMENT OF MADRAS

HOME DEPARTMENT.

Lr./Ms.No.2504.

Fort St.George,
Dated 30th May 1950.

FROM

Sri O.Pulla Reddi, I.C.S.,
Secretary to Government,

TO

The Secretary to the Government of India,
Ministry of Home Affairs, New Delhi.

Sir,

Petition for mercy from condemned prisoners - Reconsideration of by State Government after the President has rejected them.

REF: Mr. Gaynor's letter No.32/29/50-Judl., dated 6-3-50.

I am directed to say that this Government do not wish on principle to surrender their legal rights altogether but as a matter of policy and courtesy due to the Head of the Union, they would endeavour to follow the course suggested to the greatest extent possible.

Yours faithfully,

(sd);;..

SECRETARY TO GOVERNMENT.

TRUE COPY

R Nagarajan
27.5.58

SUPERINTENDENT,
MADRAS RECORD OFFICE.

sps/1/8

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